

Exhibit P

1 STATE OF ILLINOIS)
2 COUNTY OF COOK) SS:
3
4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
5 COUNTY DEPARTMENT - CRIMINAL DIVISION
6
7 THE PEOPLE OF THE STATE)
8 OF ILLINOIS,)
9 Plaintiff,)
10 vs.) No. 99 CR 09739-03
11 JEREMIAH CAIN and) 99 CR 09739-02
12 ERUBY ABREGO,)
13 Defendants.

14 REPORT OF PROCEEDINGS had at the hearing in the
15 above-entitled cause, before the HONORABLE CAROL M.
16 HOWARD, on the 3rd day of May, 2022.

17 PRESENT:
18 HON. KIMBERLY M. FOXX,
19 State's Attorney of Cook County, by:
20 MS. CAROL ROGALA and
21 MR. MICHAEL O'MALLEY,
22 Assistant State's Attorney,
23 appeared on behalf of the People;
24
25 MS. JENNIFER BONJEAN,
26 appeared on behalf of the Defendant,
27 Jeremiah Cain;
28
29 MR. KARL LEONARD and
30 MR. DAVID OWENS,
31 appeared on behalf of the Defendant,
32 Eruby Abrego.

33
34 Emma E. Lawlor, CSR, RPR
35 Official Court Reporter
36 69 West Washington Street, Suite 1920
37 Chicago, Illinois 60602
38 License No. 084-00488

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1 THE COURT: Are the parties ready to proceed?

2 MR. OWENS: Yes, your Honor.

3 THE COURT: Can you bring out Mr. Cain and
4 Mr. Abrego.

5 Okay. The petitioners are in court seated next
6 to their lawyers. We are still in the petitioner's
7 case.

8 Are you ready to begin, Mr. Owens?

9 MR. OWENS: Yes, your Honor.

10 THE COURT: You may call your next witness.

11 MR. LEONARD: Your Honor, for the record, I'm Karl
12 Leonard, Karl, with a K, L-E-O-N-A-R-D, for Mr. Abrego
13 who's present before the Court. I don't know if you
14 want us all to identify ourselves now or if we're good.

15 THE COURT: Yes, all of you identify yourselves for
16 the record.

17 MS. BONJEAN: Jennifer Bonjean, B-O-N-J-E-A-N, on
18 behalf of Mr. Cain.

19 MR. OWENS: Good morning, your Honor. David B.
20 Owens, still here for Mr. Abrego.

21 MS. ROGALA: Assistant State's Attorney Carol Rogala
22 for the People.

23 MR. O'MALLEY: Michael O'Malley also for the People,
24 your Honor.

THE COURT: Before I forget, the deputy is asking me to announce that everyone should wear their mask unless it becomes impossible to talk while you're conducting your direct or cross-examinations. But other than that, everyone in the courtroom should have a mask on.

You may call your next witness.

MR. LEONARD: Thank you, your Honor.

Mr. Abrego calls Mr. Ramon Torres.

Right up to that chair up there.

THE SHERIFF: Step up. Raise your right hand.

(Witness sworn.)

THE CLERK: You may be seated.

RAMON TORRES,

called as a witness, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. LEONARD:

Q. Good morning, Mr. Torres. Just to start, I'm going to ask you, there's a microphone in front of you just so everybody can hear, we'll ask you to keep your voice up and speak into the microphone, if you can.

Can you please state and spell your name for the record, sir?

A. Ramon, R-A-M-O-N.

1 Q. And your last name?

2 A. Torres, T-O-R-R-E-S.

3 Q. Sir, in this case, the -- the man who died
4 was named Jose Garcia, what was your relationship to
5 Mr. Garcia?

6 A. My uncle.

7 Q. And what was your relationship like with your
8 uncle?

9 A. Like my father.

10 Q. How come he was like a father to you?

11 A. He always picked me up since I was a baby.

12 Q. I'm sorry?

13 A. He always picked me up as I was a kid.

14 Q. He picked you up?

15 A. Every day no matter what.

16 Q. What happened to your uncle on
17 March 22nd, 1999?

18 A. He had -- He had -- He had come and because his
19 son's engine had broke down, so he wanted me to give him
20 a ride to go pick up a hoist so we can go fix his
21 engine, take it out. And my compadre was on Belmont and
22 he had stopped me because he wanted to talk to my uncle.
23 So I pulled over and as -- and as soon as I pulled over,
24 not even I want to say maybe a minute, I hear some gang

1 slurring. And when I looked, I see a guy by a tree.
2 And I told my uncle, get down, man, but it was too late.
3 My uncle wanted to -- (indiscernible).

4 MR. LEONARD: Sir, can I --

5 Your Honor, can I approach the witness?

6 THE COURT: Yes.

7 MR. LEONARD: Thank you.

8 I know this is hard. Do you need a minute?

9 BY MR. LEONARD:

10 Q. I just want to make sure I understood. You
11 said you saw your, I think you said your compadre on
12 Belmont?

13 A. Yes.

14 Q. I heard you say you heard gang slurs; what
15 happened after that?

16 A. As soon as I heard the gang slurs, I looked, I
17 seen one guy, which is by right by the tree, right --
18 right -- right behind my car and behind my compadre that
19 was talking to my uncle. And next thing you know, my
20 uncle, he went to go look. And when he went to go look,
21 that's -- that's when all the gunfire started shooting,
22 like, maybe I don't know how many times, but it was a
23 lot.

24 Q. Now, Mr. Torres, you ended up identifying

1 someone as the shooter for the police, right?

2 A. Correct.

3 Q. And you ended up identifying someone named
4 Eruby Abrego; is that right?

5 A. Correct.

6 Q. And you testified at Mr. Abrego's trial that
7 he was the shooter?

8 A. Correct.

9 Q. Was Eruby Abrego the shooter?

10 A. No. I'm sorry.

11 Q. In that case, why did you identify Mr. Abrego
12 in a lineup at that trial as the shooter?

13 A. We all -- We all went to the police station.
14 And my compadre was in the hospital because he got shot
15 maybe -- I think it was two or three times. And some
16 Spanish officer, I don't remember his name, I can't
17 really remember because I had a stroke and a heart
18 attack, so I don't -- my mind's not really all there.
19 But I just know that he came and said that the guy
20 admitted to it and that was him. But me, myself, I know
21 because I saw the guy. He's my color. He's my color.
22 And I know, but I can't tell him, I can't say no, it
23 wasn't; that it was him, it was him. And so they
24 convinced us all that it was him, but it wasn't. It

1 wasn't him. And I'm sorry, you guys. I just wanted
2 somebody to pay for what happened to my uncle. That's
3 all I wanted. That's all I wanted.

4 Q. I do have a few more questions about that,
5 but do you need a minute, sir?

6 One thing you said a second ago is that you'd
7 had some health problems and I think you said your
8 mind wasn't all there or something like that anymore;
9 how is your memory of what happened to your uncle on
10 March 22nd, 19 --

11 A. That will never erase my -- That will never
12 erase because I was right next to him. I'd taken him to
13 the hospital and we had like four cars. And then they
14 dragged my uncle out the car because they thought we
15 were the shooters, that we were no shooters. They
16 dragged him out, he was dead already. It was fucking
17 crazy. I can never fucking forget that. Never. Never.

18 Q. When you were on Belmont, you said you saw
19 your compadre; do you remember his name?

20 A. Yes, Julio Quinones.

21 MS. BONJEAN: I'm sorry --

22 THE WITNESS: Julio Lugo. I'm sorry. Julio Lugo.

23 BY MR. LEONARD:

24 Q. Julio Lugo?

1 A. Yes.

2 Q. And was he with anybody?

3 A. Yes, he was with four other guys. They were
4 all hanging on the corner. They were hanging on the
5 corner. They were up to no good. And so what happened
6 was supposedly they hit some guy's car with a bottle --

7 Q. I'm going to stop you quick, sir. I don't
8 want was supposedly happened. We're just talking
9 about what you saw.

10 When you saw Mr. Lugo, was he with anybody?

11 A. Yes, he was with four other guys.

12 Q. Was there a young -- a young man with him?

13 A. There was a kid with him.

14 Q. Do you remember who that was?

15 A. That was -- I don't -- I don't -- I don't know
16 his real name, but he was a -- he was a little kid. I
17 guess it was his nephew or something he was covering up.
18 Tried to -- Tried to save him from getting shot.

19 Q. You mentioned that after the shooting I think
20 you said you couldn't get your uncle to the hospital;
21 is that what you said?

22 A. I -- As soon as I seen all the bullets hit us,
23 I took off. My compadre was on the floor. I didn't pay
24 attention to them. I really didn't care about nothing

1 so I took off to the hospital, and he didn't make it.

2 Q. You said he didn't make it?

3 A. The police dragged him out the car while he was
4 dead. They threw him on the floor. And then I told
5 them he was a victim, and they covered him up.

6 Q. Sir, is it fair to say that you were
7 reluctant to come to court today?

8 A. I really didn't want to come.

9 Q. How come?

10 A. Because I didn't want to redo -- I don't want
11 to re-live this no more. I want to go through my life.
12 I been through too much. The only reason I came because
13 I wanted to clear that man's name. I feel bad, you
14 know, that all because I listened to an officer. I
15 should have listened to my instincts instead of just
16 saying that who he really was because he was my color.
17 I know he was.

18 Q. I'm sorry, sir.

19 You said it was because you listened to an
20 officer; is that what you said?

21 A. Yes.

22 Q. What do you mean?

23 A. Because he kept saying that the guy -- the guy
24 that's locked up right now that he admitted to it, that

1 he's the one that said that he did it. That we got a --
2 got a confession. And my -- Julio was saying that it
3 was the other guy too, but then they didn't really want
4 to hear that. I don't know why it was, but I guess he
5 confessed, I guess, to it. I don't know. Or he took
6 the weight for the guy. I don't know if he took the
7 weight for his gang or what he did. But if he did, that
8 was wrong.

9 Q. So you -- just to back up a second. You --
10 You're saying that you identified someone who you were
11 told had confessed?

12 A. Yes. Yes.

13 Q. That was Eruby Abrego; is that right?

14 A. Yes.

15 Q. Who told you that he had confessed?

16 A. Some Spanish officer. I don't remember his
17 name. I -- I just know his name is around a lot now.

18 Q. What do you mean his name is around a lot
19 now?

20 A. Because that's all I hear. Because my sister
21 works here, so told me that the guy -- the guy that --
22 the guy that -- that was on my case, he's the one that's
23 going through all this right now.

24 MS. ROGALA: Objection, Judge --

1 THE COURT: Sustained.

2 MS. ROGALA: -- to what his sister told him.

3 THE COURT: Sustained.

4 BY MR. LEONARD:

5 Q. Sir, you said you've seen his name around or
6 you've seen him around, what do you mean? Not what
7 your sister told you, what do you --

8 A. On the news. On the news. I see it all day
9 every day.

10 Q. You've seen him on news?

11 A. Yes.

12 Q. Do you remember his name, this officer?

13 A. No, he's just heavyset guy with glasses.
14 That's all I remember. I'm sorry.

15 Q. Do you remember what race or ethnicity he
16 was?

17 A. I want to say he's Latino like me. Or he might
18 have been white, I don't know. Italian, I don't know.
19 I couldn't...

20 Q. Did you speak to him when you were -- Strike
21 that.

22 When you were talking about your uncle's
23 case, did you talk to this officer?

24 A. Yes, he's the one that came to the room three

1 times.

2 Q. Did you speak to him in Spanish or English?

3 A. No, English.

4 Q. Had you had any encounters with this
5 particular officer before this time with your --

6 A. Back in Humboldt Park, yes.

7 Q. Back in Humboldt Park?

8 A. Yes.

9 Q. What types of encounters had you had with
10 him?

11 A. Just like general, you know, like, you know,
12 for example, you know, I get caught with a gun, you
13 know, or whatever, and we don't -- and we don't work
14 with him or tell him, you know, you know, other
15 connections, and he won't lock us up. You know. He'll
16 keep the gun. He'll let us go until we find something
17 for him bigger.

18 Q. So if I'm understanding what you're saying,
19 sir, you're saying this was not the first time that
20 this particular detective had asked you to identify
21 people?

22 MS. ROGALA: Objection. Misstates the testimony.

23 MR. LEONARD: I guess I -- I'll start over.

24 THE COURT: Sustained.

1 BY MR. LEONARD:

2 Q. What are you -- You said that there were
3 times when you might have been caught with a gun and
4 he would let you go until you came up with something
5 bigger; is that what you said?

6 A. Yes. Yes.

7 Q. What does that mean?

8 A. That means that if -- that if -- that if I, for
9 example, I didn't want to go to jail for a gun, right?
10 So if I didn't want to go to jail for a gun and he knows
11 somebody that he wants really really bad, he'll point
12 them out and say, man, hook me up with this guy,
13 whatever, buy from him, do whatever. And that's what
14 we'd do, and we'd would turn them in.

15 Q. When you said he wants to -- he wants
16 somebody really really bad and he wants you to hook
17 somebody up, who's he there?

18 A. The officer that -- that would kind of, you
19 know, mess with us. That'd pick on us -- That'd pick --
20 pick on us in the neighborhood.

21 Q. And what neighborhood was that?

22 A. In Humboldt Park.

23 Q. Is it fair to say that you wanted the person
24 who killed your uncle to go to prison?

1 A. Yes, most definitely.

2 Q. Why did you identify in court someone you're
3 now saying didn't do it?

4 A. So the simple fact that if that guy didn't care
5 who killed my uncle if he was there or if -- because
6 they're all in the same mob regardless, you could have
7 tricked on that person and say who really did it. So
8 since you want to cover up and you wanted to stick with
9 it, then I guess that's the way I felt, then, go ahead
10 and do that time for it. Do the time for your gang,
11 that's the way I look at it. Do the time for your gang,
12 you know, since you didn't want to help us out as a
13 family, you know. But I'm here to correct my mistake.
14 And I'm sorry to everybody. I'm fucking sorry. My
15 uncle can't come back, but I want them to go back home
16 and live their life.

17 Q. Sir, I'm sorry. I understood most of what
18 you said until the very end there.

19 What was the last couple of sentences you said,
20 if you remember?

21 A. That I just want -- I just want this all to be
22 over with. I want the -- the family members to be back
23 to a normal life. I want just to -- I just want the
24 guy -- the guy that really did it. That's all I want.

1 Or for them to help out and say who really did it.
2 That's all. That's all I ask for. I want the real guy
3 behind it. My uncle is gone. We can't bring him back
4 no more. I lost my son. I lost too much. It's like
5 it's too much, it is. I just want it to be over with.

6 Q. Sir, I'm going to turn your attention to a
7 few years back, late 2017, were you incarcerated at
8 that time?

9 A. Yes, for driving on revoked.

10 Q. For, I'm sorry, driving on --

11 A. For driving on revoked.

12 Q. For driving on a revoked?

13 A. Yes.

14 Q. Where were you incarcerated?

15 A. Cook County -- I was at Dixon.

16 Q. At Dixon?

17 A. Yes.

18 Q. Do you remember me coming to visit you at
19 Dixon a couple times?

20 A. Yes.

21 Q. And did we talk about what happened to your
22 uncle?

23 A. Yes.

24 Q. Now, what did you tell me about who had done

1 it?

2 A. That he did not -- the guy that's locked up
3 right now didn't.

4 MS. ROGALA: I'm sorry. I'm sorry, I didn't hear --

5 THE WITNESS: That the guy that's locked up right
6 now didn't.

7 BY MR. LEONARD:

8 Q. You told me that the guy who's locked up --

9 A. No. No. That the guy that's locked up now
10 didn't do it. That he didn't -- That he didn't --
11 didn't do it.

12 Q. That did not --

13 A. That he did not do it.

14 Q. Do you remember when you got released from
15 Dixon?

16 A. Not really.

17 Q. Does middle of 2018 sound about right?

18 A. Yeah, maybe, yeah.

19 Q. In any event, shortly after you were
20 released, did anybody from the prosecution come to see
21 you?

22 A. They -- Somebody came from -- to my mom's
23 house.

24 Q. They came to your mom's house?

1 A. Yeah.

2 Q. And did they speak to you?

3 A. Yeah.

4 Q. Do you remember what you told them about who
5 had done it?

6 A. Yes.

7 Q. What'd you say?

8 A. That -- That the guy that's in there right now
9 did it.

10 Q. So you told them that -- that the person
11 who's in here right now did do it?

12 A. Right.

13 Q. You mean Eruby Abrego here --

14 A. Yeah.

15 Q. -- at the end of counsel table?

16 A. Yes. And that ain't even him. No, not him.
17 That ain't -- That ain't even the guy that did it, and
18 I'm sorry, you guys.

19 Q. You just looked at Eruby Abrego and said,
20 that ain't the guy that did it?

21 A. It ain't him, man. It ain't him. It ain't
22 him. I don't know why I went along with it saying that
23 it was him. I just I wanted somebody fucking pay the
24 price.

1 Q. Just to make sure I understood what you
2 said -- and, your Honor, I'm sorry for the language --
3 but you said, I don't know why I did it, I just wanted
4 somebody to fucking pay the price?

5 A. Yes.

6 Q. So just so I understand, when the prosecutors
7 came to you at your mom's house, why didn't you just
8 tell the truth that you've told the Court today?

9 A. I just didn't -- I didn't know how to come
10 through this again all over this. I thought it was just
11 all they wanted to hear. I just wanted to leave it
12 alone. That's it. And deep inside I know he didn't do
13 it, but I just wanted somebody to pay for it. And they
14 kept bothering, kept coming and calling and this and
15 that, so I got tired of it. Why not? I'm just going to
16 tell them what they want to hear and that's it. Leave
17 me alone. But now look, I'm back over here so now I
18 want to tell the truth. And it's not him. It's
19 my cousin's compadre the guy that did it and I told the
20 fucking police officer. Son of a bitch.

21 MR. LEONARD: Mr. Torres, I'm sorry for the
22 questions I've asked. Thank you for your time.

23 That's all, your Honor.

24 THE COURT: Do you have any questions of this

1 witness, Ms. Bonjean?

2 MS. BONJEAN: No, your Honor. We do not.

3 THE COURT: Ms. Rogala or Mr. O'Malley?

4 CROSS-EXAMINATION

5 BY MS. ROGALA:

6 Q. Mr. Torres, you said that Julio Lugo was your
7 compadre; is that right?

8 A. Correct.

9 Q. He's your relative, correct?

10 A. Well, not relative, just I baptized his
11 daughter.

12 Q. So --

13 THE COURT: I'm sorry. What did you -- Can you say
14 that again?

15 THE WITNESS: I baptized his daughter.

16 THE COURT: Thank you.

17 BY MS. ROGALA:

18 Q. So you're the godfather to his daughter?

19 A. Correct.

20 Q. You knew him back in 1999?

21 A. Correct.

22 Q. And he came over to the car to speak to you
23 after you parked on Belmont, right?

24 A. No, what happened was we seen them all hanging

1 out on the corner across the street from -- from the
2 meat market, and he waved me down, so I went to see what
3 he wanted to say. He wanted to talk to my uncle. And
4 when he -- when I pulled to the corner just like not
5 even a minute, that's when everything just went out of
6 hand.

7 Q. But Julio Lugo came over to the driver's side
8 of the car, correct?

9 A. To the driver's side of the car, correct.

10 Q. And that's where he was when the shots
11 started, correct?

12 A. Correct.

13 Q. And he was shot as well as your uncle, right?

14 A. Correct.

15 Q. And that's what you told the jury back on
16 September 16th of 2004, correct?

17 A. Correct.

18 Q. And when you testified in 2004, you were
19 called as a witness for the prosecution, right?

20 A. Correct.

21 Q. And you -- Mr. Abrego was in court that day,
22 correct?

23 A. Correct.

24 Q. And you identified him as the killer, right?

1 A. Correct.

2 Q. You told the jury that you got a good look at
3 him when he was firing the gun, correct?

4 A. Correct.

5 Q. And today you said that a Spanish police
6 officer, whose name you don't remember, told you that
7 someone had confessed to the crime?

8 A. Well, he could have been Spanish, he could have
9 been white. You know, the Italians and Spanish, they
10 look alike. I don't know. I'm sorry.

11 Q. Okay. So you don't remember?

12 A. I don't. I don't. I hung myself, so I don't.
13 I lost a lot of my memory.

14 Q. Okay. When did you have your stroke?

15 A. I had my stroke in 2015. And I hung myself in
16 2015.

17 Q. Okay. But today, you told Judge Howard that
18 you remember the events --

19 A. No, I remember exactly what happened. I
20 remember exactly what happened the day that it happened
21 because my uncle was in my car. So, yes, I remember
22 that clearly. And, yes, I remember the guy that did it,
23 but the officer kept insisting that he admitted to it,
24 so that's why I went along with it. And I said yes so

1 he won't admit and cover up for his buddies then, yes,
2 he should pay for it. Yes. And I'm sorry to the
3 courtroom that I lied. I'm sorry. It's not my fault.
4 I just want my uncle back. I'm sorry to everybody. You
5 don't understand, somebody had to pay. Somebody. They
6 were all together, so what did you want me to do?

7 THE COURT: Mr. Torres.

8 THE WITNESS: I'm sorry. I'm sorry. It's just
9 it's -- it's -- I had too many questions. And it
10 just -- and wasn't him and that's it. It wasn't him.
11 The guy with my cousin's friend and I told the police
12 officer and I told him and I told him, but they didn't
13 want to listen to none of that. It's just fucking
14 system is all crooked. Everything's crooked in this
15 life.

16 THE COURT: Okay. Just calm down.

17 THE WITNESS: And that's why I hung myself because I
18 don't want to deal with nothing, you know. Life is
19 crazy. I fucking put a man, an innocent man, in jail
20 because of -- because of how I felt. That wasn't right.
21 It's not right. So, yes, I want to correct it, yes,
22 before I die. I don't want to live with that in my
23 conscience. My uncle's already gone and that's it. Why
24 would I have somebody else be gone? It's not right.

1 And I'm sorry to the Court system. I'm sorry.

2 MS. ROGALA: Judge, I do have more questions for
3 Mr. Torres. If he needs some time to collect himself so
4 that we can -- I can ask my questions and he can answer
5 them without the emotional outbursts. I know this is
6 very difficult for him, but I just want to try to help
7 him give his testimony today.

8 THE WITNESS: But I'm just telling you I lied.
9 That's all you need to know. I lied. I lied. I'm
10 sorry. I wanted somebody to get locked up for it. I'm
11 sorry.

12 THE COURT: Mr. Torres, I want you to take a minute
13 and just calm down. We're going to give you a minute.
14 And then when you're ready to answer questions, I just
15 want you to listen to the questions --

16 THE WITNESS: Yes, ma'am. I'm sorry.

17 THE COURT: -- and answer the question that's being
18 asked, okay?

19 THE WITNESS: Yes.

20 Go ahead. Ask away.

21 THE COURT: You may proceed, Ms. Rogala.

22 MS. ROGALA: Thank you, Judge.

23 BY MS. ROGALA:

24 Q. You -- You said on direct examination that

1 you viewed a lineup, correct?

2 A. Correct.

3 Q. And you made an identification, correct?

4 A. Correct.

5 Q. And you identified Mr. Abrego as the killer,
6 right?

7 A. Correct.

8 Q. And nobody told you who to pick out in that
9 lineup?

10 A. Yes.

11 Q. Who --

12 A. The officers showed us pictures of three
13 people. And the one I picked, he just kept saying no.
14 And the one he said that my compadre picked this guy and
15 my other -- my other friend picked this guy and my other
16 friend picked this guy, which they kept us separate room
17 and they lied. None of us picked that man. None of us.
18 They just said to go along with it.

19 I'm sorry, your Honor. I'm sorry.

20 Q. When you testified on September 16th of 2004
21 before the jury in front of Judge Wadas, were you
22 asked these questions and did you give these answers:

23 Prior to looking at the lineup, did the police
24 tell you anything?

1 Answer: He just wanted me to look at a lineup.
2 That's all.

3 Question: Did anybody suggest to you in any
4 way, shape, or form who you should pick out?

5 Answer: No, they just told me that we were
6 going to take turns at a lineup. They kept everyone
7 in separate rooms.

8 Were you asked those questions and did you give
9 those answers on September 16th of 2004?

10 A. Yes, I did.

11 MS. ROGALA: And for the benefit of Counsels, that's
12 in the record starting at page 142-YYY is the beginning
13 of his testimony. That specific -- Those questions are
14 on page 161, line 19 through 24; and 162-YYY, lines 1
15 and 2.

16 BY MS. ROGALA:

17 Q. You told the jury on September 16th of 2004
18 that you recognized Mr. Abrego as the shooter,
19 correct?

20 A. Correct.

21 Q. And is it your testimony today that you
22 didn't care then in 2004 whether Mr. Abrego did the
23 shooting or not?

24 A. I didn't care.

1 Q. You just wanted somebody to --

2 A. I just wanted somebody to be locked up.

3 Q. Okay. And it didn't matter to you if --

4 A. Who it was.

5 Q. -- they had the right guy?

6 A. Who it was.

7 Q. And Mr. Leonard asked you about coming to
8 talk to you in December of 2017; do you recall those
9 questions?

10 A. Not really.

11 Q. Just today Mr. Leonard asked you if he talked
12 to you in December of 2017?

13 A. It's been a while, yes.

14 Q. Okay. Well, Mr. Leonard talked to you at
15 least two times in 2017; isn't that right?

16 A. I'm pretty sure, yes.

17 Q. Once in September with a woman named Monica
18 Fuentes; is that right?

19 A. Yes. Yes, I think so.

20 Q. And they came to visit you at the Dixon
21 Correctional Center, correct?

22 A. Yes.

23 Q. And on that day, you spoke with Mr. Leonard
24 about what happened, correct?

1 A. Correct.

2 Q. Did you ever sign an affidavit that
3 documented your conversation with Mr. Leonard and
4 Mr. Fuentes on that day?

5 A. I don't remember.

6 Q. Do you remember signing any affidavit in this
7 case?

8 A. No, I don't.

9 Q. And then in December of 2017, Mr. Leonard
10 came to visit you again at the Dixon -- at the Dixon
11 Correctional Center with a woman named Lauren Eva
12 Nagao, N-A-G-A-O; do you recall that second meeting?

13 A. Somewhat.

14 Q. And they asked you questions on that date
15 about the murder of your uncle, correct?

16 A. Correct.

17 Q. Now, you said that Mr. -- Mr. Leonard asked
18 you representatives from the State's Attorney's Office
19 came to see you after you were released from Dixon; do
20 you recall those questions?

21 A. No, I don't remember clearly. Sorry.

22 Q. Just today Mr. Leonard asked you if you were
23 visited by representatives from the State's Attorney's
24 Office; do you recall those questions today?

1 A. Yeah.

2 Q. Okay. And that was in September of 2018, two
3 investigators from the State's Attorney's Office came
4 to visit you, correct?

5 A. I'm pretty sure.

6 Q. Okay. And it was two white men who came to
7 visit you, right?

8 A. I don't recall.

9 Q. Okay. And you talked to them about what
10 happened to your uncle, right?

11 A. Correct.

12 Q. They showed you affidavits on that day,
13 correct?

14 A. I don't remember.

15 Q. Is there anything that would refresh your
16 recollection as to whether the investigators showed
17 you affidavits regarding this case?

18 A. I really don't remember.

19 Q. Okay.

20 MR. LEONARD: Your Honor, I'm going to object to the
21 State attempting to refresh his recollection when he has
22 not indicated that there's any documents that would
23 refresh his recollection. And I believe they're going
24 to use affidavits from third parties.

1 THE COURT: Ms. Rogala, would you like to respond?

2 MS. ROGALA: Well, Judge, there are notations made
3 on an affidavit, and anything can be used to refresh his
4 recollection. He doesn't know if the documents would,
5 but he doesn't know at this point.

6 THE COURT: She is correct. Anything can be used to
7 refresh a witness's recollection. So based on that, I
8 am going to overrule your objection.

9 MS. ROGALA: Tendering copies to Counsel.

10 BY MS. ROGALA:

11 Q. Mr. Abrego -- I'm sorry.

12 Mr. Torres, I'm going to show you what's marked
13 as Respondent's Exhibit 9 for identification; it's a
14 two-page document; have you seen that document before?

15 A. Yes.

16 Q. And what is that document?

17 A. Saying that he didn't do it.

18 Q. Okay. That's an affidavit; is that right?

19 A. I think so.

20 Q. And it says Monica -- affidavit of Monica
21 Torres?

22 MR. LEONARD: Fuentes.

23 THE COURT: I'm sorry. Monica Fuentes.

24 Excuse me, Judge.

1 BY MS. ROGALA:

2 Q. And that affidavit says that Mr. Abrego is
3 not the killer in this case, correct?

4 A. Correct.

5 Q. There are handwritten notations on the side
6 of that document; is that right?

7 A. Yes.

8 Q. And there's at paragraph 3, it says that you
9 remember being interviewed by Detective Guevara; do
10 you see where it says paragraph number 3?

11 MR. LEONARD: Objection your Honor. I don't think
12 that's what paragraph 3 three says --

13 MS. ROGALA: I'm sorry. I'm looking at the wrong
14 document.

15 MR. LEONARD: Carol, I think you're at 10.

16 MS. BONJEAN: What document is looking at?

17 MS. ROGALA: No, I was looking at the wrong
18 document.

19 MS. BONJEAN: Okay.

20 MS. ROGALA: He's looking at --

21 MS. BONJEAN: Okay.

22 MS. ROGALA: -- the Fuentes affidavit which, I
23 believe --

24 MR. LEONARD: You said --

1 MS. ROGALA: And 10 is the Nagao affidavit.

2 MR. LEONARD: I have mine as the motion to suppress
3 testimony of Mr. -- of Abrego that you used Cain's
4 testimony. It doesn't have to be -- we can work that
5 out later. But I think you were actually at 10.

6 MS. ROGALA: Okay. Because I have 8 as our last,
7 but we'll figure that part out.

8 BY MS. ROGALA:

9 Q. So, Mr. Torres, on the -- on the document
10 that you have, which is marked for today's proceedings
11 as Respondent's Number 9, you see there are
12 handwritten statements down on the left side of the --

13 A. Yes.

14 Q. -- page, correct?

15 And arrows pointing to paragraph number 6,
16 number 7 --

17 A. Right.

18 Q. -- number 8, and number 9; is that right?

19 A. Yes.

20 Q. And and on paragraph 6, the typewritten
21 language says that Mr. Torres said that --

22 MR. LEONARD: Your Honor, I'm going to object again.
23 I thought we were refreshing his recollection about
24 whether or not he was shown an affidavit when the State

1 met with him.

2 THE COURT: Would you like to respond?

3 MS. ROGALA: And he said that he does recognize this
4 document. Now I'm moving on to asking him questions
5 about the document.

6 MS. BONJEAN: And I'm going to object on the basis
7 that that is -- if you refresh him, he should be able
8 then to answer questions without her just reading in a
9 document that is just hearsay at this point.

10 THE COURT: That objection is sustained.

11 BY MS. ROGALA:

12 Q. Mr. Torres, on September 16th --
13 September 6th of 19 -- I'm sorry. Let me start over.

14 On September 6th of 2018, you met with
15 representatives from the State's Attorney's Office,
16 correct?

17 A. (Nodding).

18 Q. Is that a yes?

19 A. Yes.

20 Q. I'm going to stand over here so that you can
21 project your voice.

22 And on that date, those investigators showed
23 you Respondent's Exhibit Number 9, correct?

24 A. I really don't remember all this, but, yeah, I

1 see that, you know, it's written here, so...

2 Q. Well, and you told the investigators on that
3 day that paragraph number 6 that Eruby Abrego is not
4 the person who shot his uncle, you said that was a
5 false statement when you spoke to the investigators on
6 September 6th, right?

7 A. Well, I'm saying that right now. I've been
8 saying that. I've been saying it from the beginning.

9 Q. Okay. But you told the investigators that
10 you -- Strike that.

11 The written language in this affidavit says
12 that you know that Eruby Abrego is not the person who
13 shot your uncle, correct?

14 A. Correct.

15 Q. Okay. But you wrote on that same document
16 that that statement was false, correct?

17 A. Okay. I wrote that because I wanted somebody
18 locked up. Hello. What's the -- What are you trying to
19 get with this?

20 THE COURT: Mr. Torres. Mr. Torres.

21 THE WITNESS: I'm sorry. It's just I know she's
22 trying to trick me. This is my uncle. Listen, he
23 didn't do it. That's it. The real guy's out there.
24 What do you want me to do?

1 THE COURT: Okay. Just calm down. Calm down.

2 THE WITNESS: He didn't do it, man. I'm the one
3 that's got to live with it because the real killer's out
4 there. I'm sorry I lied. I'm sorry that I fucking did
5 this stupid shit. I'm sorry.

6 THE COURT: Again, Mr. Torres, you're in court. I
7 know that this is very upsetting for you --

8 THE WITNESS: I'm sorry.

9 THE COURT: It's important that you remain calm and
10 listen to the questions and answer the questions.

11 THE WITNESS: Yes.

12 THE COURT: Okay. And the next time you feel
13 yourself getting upset, you don't have to have an
14 outburst. Just take a minute, take a deep breath, and
15 when you're calm again, you can continue, okay?

16 THE WITNESS: Sorry.

17 THE COURT: Are you ready?

18 THE WITNESS: Yeah, go ahead.

19 BY MS. ROGALA:

20 Q. On September 6th of 2018, you told the
21 State's Attorney investigators that paragraph number
22 7, Mr. Torres said the kid Abrego didn't do it was
23 false, correct?

24 A. I don't remember saying false. I just remember

1 saying that he didn't do it. That's all I remember. I
2 don't know where you're coming with this false Ramon
3 Torres, false Ramon Torres, false Ramon Torres. I don't
4 know why you guys wrote that there for. For what?

5 Q. Did you write that on this document?

6 A. I don't remember writing on that. I really
7 don't.

8 Q. So for --

9 A. Because my arrows don't look like, that's for
10 sure. And then my R's don't even look like that. I'll
11 write down my words right now, you'll see my writing's
12 way different.

13 Q. So you're saying that the handwriting on that
14 document to the left of the numbered paragraphs is not
15 your handwriting?

16 A. That's right. My R's are way different than
17 those R's. You can look at my ID.

18 Q. Okay. Now, I'm going to show you what is
19 marked -- Well, strike that.

20 On December 17th of 2017, Mr. Leonard came to
21 the Dixon Correctional Center and spoke to you about
22 this case again, correct?

23 A. I'm assuming so.

24 Q. And you told Mr. Loaned on that day that

1 Eruby Abrego is not the person who killed your uncle,
2 correct?

3 A. Yes, correct.

4 Q. On September 6th of 2018, you told the
5 State's Attorney investigators that that statement was
6 false, correct?

7 A. I don't recall that. I do not recall that.

8 Q. And --

9 A. Because if it's got writing right here stating
10 that I said that it wasn't him, and then it's got false
11 here, Ramon Torres; false here, Ramon Torres, I don't
12 remember none of that at all.

13 Q. So on Respondent's Exhibit Number 10, you
14 don't remember writing that on an affidavit with that
15 information?

16 A. No, I don't. I don't. I really don't.

17 Q. I'm going to take back that document.

18 A. Yeah, I really don't. Those arrows don't even
19 mine either. And the R's don't even look like mine. I
20 got my ID if you want to see it.

21 Q. Mr. Torres, you and I previously met before
22 today, correct?

23 A. I don't remember that. I don't even remember
24 you.

1 Q. I'm going to take my mask down so you can see
2 my face.

3 A. No, I don't.

4 Q. Okay. So on January 15th of 2019, I came to
5 your home with those same investigators; isn't that
6 right?

7 A. I really don't remember you.

8 Q. And you -- And do you remember meeting with
9 representatives from the State's Attorney's Office on
10 January 15th of --

11 A. I've met with so many of you guys, how can I
12 recall? I've met in penitentiaries, I've met at my
13 house, I've met at my other apartment. I have three
14 different apartments, so I've met a bunch of you guys.
15 I don't know. I don't remember.

16 Q. When you say you guys, who did you meet in
17 the penitentiary --

18 A. Well, I don't know, prosecutor, State's
19 Attorneys. I get you guys all confused. I don't know.
20 Everybody's got different names, so I don't know. I'm
21 sorry. I'm not with the system.

22 Q. How many times did you meet with Mr. Leonard
23 before today?

24 A. I can't recall that. I'm sorry.

1 Q. More than once, correct?

2 A. I'm pretty sure, yes.

3 Q. At least two times in 2017, right?

4 A. Like I said, I can't recall. I know I met a
5 lot of people within that -- within that length of time,
6 so I don't know.

7 Q. Okay. And but you remember Mr. Leonard
8 visited you at the Dixon Correctional Center, correct?

9 A. A little bit, yes.

10 Q. Okay.

11 A. I just don't know who came to visit me.
12 Different people came to visit me there.

13 Q. Okay. And you don't remember any of the
14 names of anybody who came to visit you?

15 A. No, I don't. No, I'm not good with names
16 that's for sure.

17 Q. Okay.

18 A. You can look up my doctor's records, they'll
19 tell you my recollection's really really bad.

20 Q. When you were first notified that you needed
21 to come to court to testify in this case?

22 A. I'm pretty sure a few times, but I never showed
23 up.

24 Q. Okay.

1 A. I didn't want to go through this.

2 Q. When was the first time --

3 A. I can't recall. How would I remember that?

4 Q. Did you receive a piece of paper in the mail
5 instructing you to come to court?

6 A. I don't remember. I just know somebody gave me
7 pieces of paper. That's it.

8 THE SHERIFF: Quiet, please.

9 THE WITNESS: I know somebody gave me a paper not
10 too long ago that I missed. And then another time that
11 I missed. And then now. I didn't get a paper now, I
12 got a phone call. And I said, you know what, I'm tired
13 of this. I just want to get this over with and I just
14 want the right person to be -- pay for this and that's
15 it. I'm just tired. I don't want go through this no
16 more. You don't understand. It's -- It's -- My uncle
17 can't be back. You can't bring him back. This man, he
18 got a life. He got a chance, you know. So I want that
19 to happen. I just want to live my life freely again,
20 you know. I don't want -- I don't want to have that in
21 the back of my head that I got somebody, you know, just
22 because of an officer or because, you know, everybody
23 agreed that it was him. No. I'm sorry. I'm sorry. I
24 cannot. I cannot. I can't. I want to die peacefully.

1 I want to die with a clean mind, with a clean
2 conscience. That God will accept me because I did
3 right. Simple as that. That's the way I feel. And
4 I'll do it right and I will continue to do right. And
5 I'm sorry. And I'm sorry to the family and everybody
6 else, I really am.

7 Q. Mr. Torres, who was the first person you told
8 that Mr. Abrego was not the killer?

9 A. The police officer.

10 Q. And after you testified in 2004, when did you
11 tell someone that Mr. Abrego was not the killer?

12 A. I can't recall that. I really can't.

13 Q. Who did you tell that Mr. Abrego was not
14 the --

15 A. Oh, I told a lot of people. A lot of people.
16 A lot of people.

17 Q. Do you know Eruby Abrego's sister?

18 A. No, I don't. I don't know none of the family.
19 None of the family even came to say sorry to me.
20 Nothing. But I'm here to say sorry and I'm sorry. I'm
21 sorry. That's all I can say. I don't know none of the
22 family. Nobody there. Nobody came to the court and
23 even said I'm sorry. Nothing. Even if he didn't do it,
24 nobody came to give me pity. Nothing. So, no, I don't

1 know none of them. I don't.

2 Q. Isn't it true that Mr. Abrego's sister wrote
3 to you while you were in prison?

4 A. No, I don't think so.

5 Q. Did you tell me and the investigators,
6 Brannigan and Stewart, on January 15th of 2019 that
7 Eruby Abrego's sister wrote to you in prison?

8 A. No. I said that I want -- that I wanted to
9 talk to somebody in their family. That I wanted to sit
10 with their family to talk, yes, I did say that, yes.
11 But did somebody wrote to me? No. No. I'm sorry. I
12 don't -- Nobody ever came to visit me in the
13 penitentiary. Nobody even gave me a phone call. Not
14 even a letter. Not even from my own mother. So, no.
15 No. Nobody.

16 Q. Did you tell me on January --

17 A. I might have said anything just to lie.
18 Anything just to keep him in here, yes, I might have
19 said that. Who knows. I don't know. I'm sorry. I'm
20 sorry.

21 THE COURT: Okay. Mr. Torres, again, I want you to
22 calm down. And --

23 THE WITNESS: But she's asking me about a letter and
24 I'm telling her that no. I'm telling her no. So that

1 should be enough. No.

2 THE COURT: Well, just listen to the question.

3 THE WITNESS: Yes, ma'am.

4 THE COURT: Answer the question that's asked, okay?

5 BY MS. ROGALA:

6 Q. Did you tell me and investigators, Brannigan
7 and Stewart, on January 15th of 2019 that the police
8 never told you who to identify?

9 A. No, never said that.

10 Q. Today you said that you knew the Spanish
11 officer before you were at the police station for your
12 uncle's murder; is that right?

13 A. I don't know if he's Spanish, but some officer,
14 some big heavyset guy with glasses came to me, yes.

15 Q. So that -- that big heavyset officer with
16 glasses that you spoke to at the police station, had
17 you had contact with him before?

18 A. Yes, plenty of times. I'm from the
19 neighborhood, Humboldt Park.

20 Q. And did that police officer ever ask you to
21 falsely identify someone?

22 A. Oh, hell yeah. Plenty of times. A lot of --
23 that's what we did back in the 80s. We'd set people up
24 and that's it. We'd give them our gang sweaters, and

1 they'll let us go with the gun or whatever, yes. Yes,
2 in those times that's how it worked.

3 Q. So that's what you would do back in the 80s?

4 A. That's what we'd all do just to get away, yes.

5 Q. So --

6 A. We'd work with the police officer just to get
7 away, yes. We'll set you up if I had to just to for the
8 police officer to let me go, yes.

9 Q. So you do what you have to do, right?

10 A. Exactly.

11 Q. And you don't care who gets arrested, right?

12 A. No, I do care. Now I do care, yes, because
13 it's wrong. It's wrong.

14 Q. But back in 1999, you didn't care, right?

15 A. I don't want to say that I didn't care. It's
16 just something that we had to do not to get locked up.
17 Would you like to get locked up and go to jail for
18 four years, five years? No. So, yeah, I'm going to
19 go -- I'm going to go set him up. Yeah, I know he got
20 five guns. Go ahead. Lock him up. Let me go. At
21 least I get to go with my gun. He'll take him because
22 he got five guns before he'll take me.

23 Q. After your uncle was shot, you went to the
24 police station, correct?

1 A. No, they took me to the police station
2 handcuffed because they thought we were the ones. They
3 dragged my uncle out the car while he was dead, yes.
4 They thought we were the shooters. No. No. I wasn't
5 going voluntary, they handcuffed me behind the police
6 station -- behind the police car. And they took me in
7 handcuffs, yes.

8 Q. And it's your testimony here today that you
9 were told -- you were shown pictures of Mr. Abrego,
10 right?

11 A. Yes.

12 Q. And you were told that he had confessed to
13 the crime, correct?

14 A. Yes.

15 Q. You never said that before today; isn't that
16 right?

17 A. I said that from the beginning.

18 MR. LEONARD: Mischaracterizes the testimony, your
19 Honor.

20 THE COURT: Sustained.

21 Next question.

22 BY MS. ROGALA:

23 Q. When you testified in 2004, you never said
24 that you were told who to pick out, correct?

1 A. I said that to the police officers from the
2 beginning.

3 Q. I'm asking about your testimony in 2004 --

4 A. Oh, I don't remember my testimony --

5 MR. LEONARD: Objection --

6 THE WITNESS: I'm sorry --

7 THE COURT: One second. Only one person --

8 MR. LEONARD: I'm sorry, Judge.

9 THE COURT: -- can talk at a time.

10 THE WITNESS: I'm sorry. I don't remember that.

11 That I don't remember. 2004, come on, really? We're in
12 2021.

13 MR. LEONARD: Judge, my objection was this is asked
14 and answered.

15 MS. BONJEAN: Yeah, I'm going to join that
16 objection. She did go through his trial testimony with
17 him.

18 THE COURT: That objection will be sustained.

19 MS. ROGALA: Judge, if I can have a moment, please?

20 THE COURT: You may have a moment.

21 MS. ROGALA: Just one moment, judge.

22 BY MS. ROGALA:

23 Q. I just have a couple of more questions,
24 Mr. Torres.

1 On January 15th of 2019, did you tell me and
2 investigators Brannigan and Stewart that Eruby Abrego
3 is the real killer?

4 A. I might have said that. Who knows. I don't
5 know. I don't remember. I don't remember. I just know
6 he's not, and I just know that Julio Lugo's that's in
7 Florida and Popeye that's in Florida, they said the same
8 thing they do right, we're not going to -- they don't
9 want to come over here for this because they know they
10 picked the wrong guy and that's it. Because we all --
11 we all agreed to pick him and that's it. Somebody had
12 to pay and I'm sorry. That's it. That's all. That's
13 all I can say. I'm sorry. That's why nobody's coming
14 from Florida to testify because they know he's not the
15 right one they know it.

16 THE COURT: Okay.

17 THE WITNESS: I'm sorry.

18 THE COURT: Again, I want you to calm down.

19 THE WITNESS: Well, I'm trying to answer. I mean --

20 THE COURT: I know.

21 THE WITNESS: That's what they want to know, the
22 truth, right?

23 THE COURT: We want to know the truth. I want to
24 know the truth. But I still want you to calm down --

1 THE WITNESS: My son's godfather told me to speak up
2 too. They're in Florida. What do you want me to do?

3 THE COURT: I just want you to be calm.

4 THE WITNESS: They didn't want to come over here
5 because of this.

6 THE COURT: Okay. I just want you to be calm. I
7 want you to listen the question that's asked and then
8 answer that question.

9 And I wanted to say Counsel keeps going over the
10 same question --

11 MS. ROGALA: I have --

12 THE COURT: You've made your point. Go on.

13 BY MS. ROGALA:

14 Q. Did you tell me and the investigators on
15 January 15th of 2019 that you did not want Eruby
16 Abrego to get out of prison?

17 A. Because I want somebody to pay for it. It's
18 simple as that. I want somebody to pay for my uncle's
19 death. What do you want me to say? Nobody wanted to
20 catch the right killer. I'm sorry. I'm answering your
21 question. I might have said that, but I'm sorry he's
22 not. I'm sorry. I need to clear my heart and my mind,
23 everything to be right again. I don't want to do this.
24 Families are suffering all over this world because of

1 stuff like this. We've got to stop this. We've got to
2 be real. We've got to be faithful. I'm sorry. I'm
3 sorry to the courtroom. I'm sorry to you, Judge. I'm
4 sorry.

5 THE COURT: Mr. Torres, calm down.

6 Next question.

7 BY MS. ROGALA:

8 Q. Who called you on the phone and asked you to
9 come to Court today?

10 A. Somebody called. I know a lady called, a guy
11 called. Somebody -- Somebody called. I don't remember.

12 Q. More than one time?

13 A. No, I think it was two times.

14 Q. And you --

15 A. The first time was that I come and then the
16 second time to see if I was coming.

17 Q. And how did you get here today?

18 A. I drove with my daughter.

19 MS. ROGALA: I have no further questions, Judge.

20 THE COURT: Any redirect?

21 MR. LEONARD: No redirect from Abrego, you Honor.
22 Thank you.

23 MS. BONJEAN: None from Cain.

24 THE COURT: Thank you for coming, Mr. Torres.

1 You're free to go.

2 THE WITNESS: I'm sorry. I just want to say sorry
3 to everybody.

4 I can go, right?

5 MR. LEONARD: You can go.

6 THE WITNESS: Sorry. Sorry, everybody.

7 (Witness excused.)

8 THE COURT: Do you have any witnesses?

9 MR. LEONARD: Your Honor just one second, please.

10 Your Honor, we have no more live witnesses for
11 Mr. Abrego, but we are going to ask to have some
12 evidence regarding Detective Guevara's pattern admitted
13 and play some videos of him testifying at depositions if
14 it's okay with the Court, but we have no more witnesses.

15 THE COURT: Okay. Well, if you have no more
16 witnesses and Ms. Bonjean has no more witnesses for
17 Mr. Cain we can take paper evidence.

18 MR. LEONARD: Okay.

19 MS. BONJEAN: That's correct, Judge.

20 MR. LEONARD: Your Honor, we might need a minute to
21 set up the laptop to the screen. If we can have a
22 minute to care of that.

23 THE COURT: Yes, you may have a minute.

24 MR. LEONARD: Thank you.